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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**MENOMINEE INDIAN TRIBE OF
WISCONSIN, *et al.***, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

**LEXINGTON INSURANCE
COMPANY, *et al.***,

Defendants.

CASE NO. 3:21-cv-00231-WHO

**PLAINTIFFS' NOTICE OF APPEAL
FROM ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS**

Hon. William H. Orrick

[Additional Counsel]

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Attorneys for Plaintiffs and the Proposed
Class

*Application for admission *pro hac vice* to be
filed.

1 Notice is hereby given that Plaintiffs Menominee Indian Tribe of Wisconsin, Menominee
2 Indian Gaming Authority d/b/a Menominee Casino Resort, and Wolf River Development
3 Company, individually and on behalf of all others similarly situated in the above-named action,
4 hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Order (Dkt. 109)
5 and Judgment (Dkt. 110) granting Defendants' motion to dismiss, both of which were entered on
6 August 23, 2021.

7 Defendants are: (1) Lexington Insurance Company; (2) Underwriters at Lloyd's –
8 Syndicates: ASC1414, TAL 1183, MSP 318, ATL1861, KLN 510, AGR 3268; (3) Underwriters at
9 Lloyd's - Syndicate: CNP 4444; (4) Underwriters at Lloyd's - Aspen Specialty Insurance Company;
10 (5) Underwriters at Lloyd's - Syndicates: KLN 0510, ATL 1861, ASC 1414, QBE 1886, MSP 0318,
11 APL 1969, CHN 2015; (6) Underwriters at Lloyd's – Syndicate: BRT 2987; (7) Underwriters at
12 Lloyd's - Syndicates: KLN 0510, TMK 1880, BRT 2987, BRT 2988, CNP 4444, ATL 1861, Neon
13 Worldwide Property Consortium, AUW 0609, TAL 1183, AUL 1274; (8) Homeland Insurance
14 Company of New York; (9) Hallmark Specialty Insurance Company; (10) Endurance Worldwide
15 Insurance Ltd t/as Somp International; (11) Arch Specialty Insurance Company; (12) Evanston
16 Insurance Company; (13) Allied World National Assurance Company; (14) Liberty Mutual Fire
17 Insurance Company; (15) Landmark American Insurance Company; (16) XL Catlin Insurance
18 Company UK Ltd; and (17) SRU Doe Insurers 1-20.

21 Pursuant to Fed. R. App. P. 4(a)(1)(A), this Notice is timely filed within thirty days after
22 entry of the Judgment and Order appealed from. Plaintiffs' Representation Statement is filed
23 herewith.

DATED: September 20, 2021.

Respectfully submitted,

ANDRUS ANDERSON LLP

By: /s/ Jennie Lee Anderson
Jennie Lee Anderson

Attorneys for Plaintiffs and Proposed Class

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system on September 20, 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on September 20, 2021.

/s/ Jennie Lee Anderson

Jennie Lee Anderson